


Name:			
Enrolment No:			
UPES End Semester Examination, December 2023			
Course: Intellectual Property Rights Semester: III Program: LLB Course Code: CLCC2031		Time : 03 hrs. Max. Marks: 100	
Instructions: All questions are compulsory.			
SECTION A (5Qx2M=10Marks)			
S. No.		Marks	CO
Q 1	The term “WIPO” stands for:- (a). World Investment policy organization (b). World intellectual property organization (c). Wildlife Investigation and Policing organization (d). World institute for Prevention of organized crime	2	CO1
Q2	Which of the following is an „intellectual property“ as per IPR Laws in India. (a). Original literary work; (b). Industrial Design of Maruti800 car; (c). Trademark of Tata company (d). All the above	2	CO1
Q3	IPR protects the use of information and creativity that are of ----- value	2	CO1
Q4	Which of these is a geographical indication? a) BMW b) Hogwarts c) PlayStation d) Wine	2	CO1
Q5	A company has decided to invest in outer shape design of bottle in which they would fill the perfume produced by them, and which is distinctive, and they wish to ensure that they have sole use. How they will do that through: (a). Copy rights (b). Trade mark (c). Patent (a). Industrial designs (b). Geographical indications	2	CO1
SECTION B (4Qx5M= 20 Marks)			

Q 1	Describe the procedure for filing of designs in India.	5	CO2
Q2	Enumerate the procedure for registration of Trademarks.	5	CO2
Q3.	Explain Two theories as rationale for protection of IPR.	5	CO2
Q4.	Differentiate between unconventional and conventional marks.	5	CO2
Q5.	Discuss concept of compulsory licensing under copyright.	5	CO2
SECTION-C (2Qx10M=20 Marks)			
Q 1	Critically analyze the intermediary liabilities under copyright with relevant case laws.	10	CO3
Q2.	Discuss protection of well known trademarks in India and U.S. citing relevant case laws and sections.	10	CO3
SECTION-D (2Qx25M=50 Marks)			
Q 1	Overlap is evident in the applied arts field where the both the Copyright Law as well as the Designs Law apply. However, the respective Laws in India protecting designs and copyright, i.e., the Designs Act, 2000 (“the Designs Act”) and the Copyright Act, 1957 (“the Copyright Act”) do attempt to lay down a distinction between the works protectable thereunder and the rights granted under the two Acts. Analyze citing important sections and case studies	25	CO4
Q2.	The University of Indian Press (“ Defendant University ”) had appointed examiners – Professor Ms. Amber and Mr. Jack (“ the two examiners ”) for the matriculation exam to be held in the University of India. A condition for the appointment of the examiners was that the copyright subsisting in the examination papers set by them would belong to the Defendant University. Subsequently, the Defendant University entered into an agreement with the University of Ideal Press (“ Plaintiff University ”) to assign all copyrights belonging to the Defendant University to the Plaintiff University. After the examinations, the Defendant University issued a publication that contained numerous papers, including the ones set by the two examiners, with an answer key and criticisms of the manner in which the question papers were set. The Plaintiff University instituted a suit of copyright infringement against the Defendant University. During the course of the suit, the two examiners were implicated as co-plaintiffs.	25	CO4

	Answer the following based on the above facts.		
a)	Whether examination papers are 'literary works' under the meaning of the Act?	5	
b)	Whether the examination papers are 'original'?	5	
c)	Who was the owner of the copyright subsisting in the examination papers after they had been prepared?	5	
d)	Whether the Defendant University infringed the copyright of the two examiners?	10	